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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,586	11/19/2003	Gordon K. Dennis	HMC-130US	6289
31344	7590	09/13/2004	EXAMINER	
RATNERPRESTIA P.O. BOX 1596 WILMINGTON, DE 19899			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,586	Applicant(s) DENNIS, GORDON K. ST	
	Examiner Lloyd A. Gall	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The drawings are objected to because the drawings filed on June 21, 2004 are regarded as introducing new matter into the application. All new matter must be canceled. For example, in figure 3, the location of the hasp 20 and the angle of the slot 41 with respect to the shroud is regarded as new matter. See figures 4, 5A and 5B also. In figure 6, the key lock in the knob 45, the angle of the slot 41, and the structure which contacts the hasp 25 are regarded as new matter. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the epoxy adhesive of claim 6, line 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 5 and 6 are objected to because of the following informalities: In claim 5, line 2, there is no antecedent basis for "the plurality of anchors". In claim 6, "use" should be replaced with --used--, and there is no antecedent basis for "the plurality of anchors". Appropriate correction is required.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Garner (769).

Garner teaches a protective shroud 10 sized to cover a locking device 40, welding means (column 2, line 43) to affix the shroud in place, and a hasp element 30.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Linder.

Linder teaches a shroud 34, means (lag screws, column 4, line 16) to affix the shroud, a locking device 26, and a hasp element 22, the shroud including a thickness of approximately one quarter inch (column 4, line 23).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Garner or Linder, in view of Hillabush et al.

Hillabush teaches a shroud 100 and a hasp 200 formed of stainless steel (column 4, line 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the shroud of Garner or Linder of stainless steel, in view of the teaching of Hillabush, the motivation being to provide corrosion resistance.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linder in view of Hillabush et al.

Linder and Hillabush has been discussed above, and it is noted that Linder teaches a shroud 34 having a thickness of approximately one quarter inch (column 4, line 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the shroud of Linder of stainless steel, in view of the teaching of Hillabush et al, the motivation being to provide corrosion resistance and to optimize its strength.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linder in view of Gregory.

Linder teaches a shroud 34, lag screw anchor means (column 4, line 16) attached to the shroud, a locking device 26, and a hasp element 22. Gregory teaches a means (nuts 92, 94 to affix a shroud 30 with screws 91, 93. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide nuts for the screws of Linder, in view of the teaching of Gregory, the motivation being to provide a strong attachment for the shroud.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linder in view of Oliver and Gregory.

Oliver teaches screws 32 welded at 35 to a plate 22. Gregory teaches nuts 92, 94 for use with screws 91, 93. It would have been obvious to one of ordinary skill in the art at the time the invention was made to weld the screws of Linder to the plate 30, and to use nuts with the screws, in view of the respective teachings of Oliver and Gregory, the motivation being to provide a strong attachment for the shroud.

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Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linder in view of Oliver and Braxter.

Oliver teaches screws 32 welded at 35 to a plate 22. Braxter teaches that epoxy is a well known substitute for a weld as set forth in column 4, line 49. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the screws of Linder to the plate 30 with an epoxy, in view of the teachings of Oliver and Braxter, the motivation being to provide a strong attachment for the shroud of Linder.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linder in view of Masoncup et al.

Masoncup teaches a shackle 16 which may pivot about the leg 15. It would have been obvious to substitute a padlock with a pivoting shackle for the padlock of Linder, since any well known type of padlock would function just as well in locking to the hasp element.

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner.

White teaches an access door 2, a hasp attached to the container 1 interior by the inner side of the rivet 6, an aperture 8 in the door to receive the hasp, and a lock 13 to receive the hasp when the door is closed. Garner teaches a shroud 10 on a door as set forth above. It would have been obvious to provide a shroud on the door 2 of White to receive the hasp and padlock, in view of the teaching of Garner, the motivation being to protect the padlock and its shackle from tampering/cutting tools. With respect to claim

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16, the sequence of steps of claim 16 are regarded as being obvious to one of ordinary skill in the art.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified White reference as applied to claim 9 above, and further in view of Hillabush et al and Linder.

Hillabush teaches a shroud 100 and a hasp 200 formed of stainless steel. Linder teaches a shroud having a thickness of approximately one quarter inch. To form the shroud and hasp of the modified White reference of stainless steel of approximately one quarter inch thickness, would have been obvious in view of the teachings of Hillabush and Linder, to optimize their strength and corrosion resistance.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified White reference as applied to claim 9 above, and further in view of Masoncup et al.

Masoncup teaches a padlock with a pivotal shackle. To substitute a padlock with a pivotal shackle for the padlock of White, would have been obvious in view of the teaching of Masoncup et al, since any well known type of padlock would function just as well in engaging the hasp of White.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified White reference as applied to claim 12 above, and further in view of Daoud (050).

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Daoud teaches a notch 26 in a hasp to receive a padlock. To substitute a notch for the hasp opening 14 of White, would have been obvious in view of the teaching of Daoud, since either type of void would function just as well in receiving the padlock shackle.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified White reference as applied to claim 12 above, and further in view of Linder.

Linder teaches a shroud 34 covering the padlock body 26 and its shackle as seen in fig.

2. To modify the shroud of the modified White reference to cover the padlock body and its shackle, would have been obvious in view of the teaching of Linder, to protect the padlock body and its shackle from the elements, as well as from tampering attempts.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

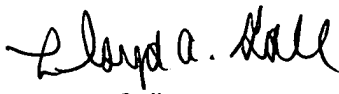
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
September 8, 2004


Lloyd A. Gail
Primary Examiner